IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7193 of 2006()

CRIME NO.42/05 OF KANJIKUZHY POLICE STATION

: PETITIONER/2ND ACCUSED

RAJU, AGED 55, S/O. SREEDHARA PANICKER,
CHEMBOOR PUTHENPURAKKAL, VENMANI,
KANJIKUZHY VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.T.A.SHAJI
SMT.RAGAM.S.MOHAN

RESPONDENT: COMPLAINANT

STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(REPRESENTING THE S.I. OF POLICE,
KANJIKUZHY, IDUKKI DISTRICT.)

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7193 OF 2006

DATED THIS THE 14TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the second accused in Crime No.42/05 of Kanjikuzhi Police Station for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 1 liter of arrack on 14.3.2005, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to conclude that the petitioner is not guilty of the offences and that the alleged contraband liquor cannot amount to arrack as defined. I am not satisfied that both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn